

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DEBORAH J. HENKE,

Plaintiff,

vs.

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,

Defendant.

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CIVIL NO. 17-cv-470-JPG-CJP

**MEMORANDUM AND ORDER**

Before the Court is the parties' Agreed Motion for Remand to the Commissioner (Doc. 16). The parties ask that this case be remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error and is itself a final, appealable order. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corp. Comprehensive Disability Prot. Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Shalala v. Schaefer*, 509 U.S. 292, 302-303 (1993).

The parties agree that, upon remand, the ALJ will offer Plaintiff the opportunity for a hearing and will receive additional evidence. In accordance with agency regulations and rulings, the ALJ will further evaluate all of the medical opinions of record and give reasons for the weight assigned them. The ALJ will explain any disagreement between the residual functional capacity that the ALJ finds and the medical source opinions and will evaluate Plaintiff's subjective complaint's consistent with 20 C.F.R. § 404.1529 and Social Security Ruling 16-3p. If necessary, the ALJ will obtain vocational expert testimony to assist in determining whether

Plaintiff can perform a significant number of jobs in the national economy. After reevaluating the evidence, the ALJ will issue a new decision regarding the disability application.

Plaintiff applied for disability benefits in June 2013. (Tr. 33.) While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

For good cause shown, the parties' Agreed Motion for Remand to the Commissioner (Doc. 16) is **GRANTED**. The final decision of the Commissioner of Social Security denying Deborah J. Henke's application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence **four** of 42 U.S.C. § 405(g). The Clerk of Court is **DIRECTED** to enter judgment in favor of plaintiff.

**IT IS SO ORDERED.**

**DATED: November 9, 2017**

s/ J. Phil Gilbert

**J. PHIL GILBERT**

**UNITED STATES DISTRICT JUDGE**